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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/078,853	05/14/1998	YASUSHI TAKAHASHI	450100-4486	7718

20999 7590 01/02/2004

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

13

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/078,853

Applicant(s)

TAKAHASHI ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/2/2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7 & 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/02/2003 have been fully considered but they are not persuasive. Applicant argues on page 7 that "Herz does not actually discuss rearranging and displaying the EPG based on the list of programs. At most Herz discloses highlighting the recommended programs on the original EPG, (col. 23, lines 1-4)". Examiner agrees that Herz teaches highlighting recommended programs on an EPG.

However, examiner points out that the above disclosure is not the only embodiment discussed in Herz, with respect to the presentation of an EPG. In particular, Herz also discloses, "In accordance with the invention, the display guide 914 is either modified to include fields for "virtual" channels, or else the recommended programming is highlighted in an obvious manner or reordered for the customer's perusal"; see col. 45, lines 34-55.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, 2nd paragraph as lacking antecedent basis.

Claim 10 recites the limitation "the identification key" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-7 & 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz, (U.S. Pat # 5,758,257).

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Considering claim 1, the amended claimed information retrieval method comprising the steps of forming a general user model based upon statistical data obtained by audience research on the actions of a plurality of users, reads on the use of demographic data discussed in Herz when generating an initial customer profile, see col. 11, lines 61-67; col. 38, lines 18-25. The further claimed initial user model forming a user specific model based upon the general user model and a user profile, is met by Herz, col. 4, lines 32-55, which teaches that the initial customer profile may include demographic data, as well as a profile based upon user feedback data. Furthermore, Herz discusses adjusting the customer profile, (col. 13, lines 55-67; col. 14, lines 48-55 & col. 22, lines 56-67).

The additionally claimed feature of forming a study user model based upon the initial user model and information selection history of the specific user is consistent with the teachings of Herz, see col. 29, lines 45-65; col. 30, lines 1-10 & col. 33, lines 12-21. Herz is directed to updating a customer's profile based upon the programs that are actually watched, col. 6, lines 35-60. The teachings of Herz, with respect to the agreement matrix, which utilizes an adjusted customer profile to generate and present a list of programs that the customer might likely desire, reads on the further claimed feature of retrieving information suiting the specific user based upon the study user model, see col. 19, lines 5-14; col. 40, lines 32-65.

As for the additionally amended claimed feature of the statistical data including viewing time for the users, Herz teaches that the window for viewing programming is expressed in the calculations as a pair of time variables 'l' and 'u', which represent starting point and ending

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point of a window, respectively. It is further disclosed that Customer Profiles used in accordance with the preferred embodiment of Herz, incorporates this concept of time and moods in video scheduling; see col. 17, lines 35-50.

The further claimed feature of calculating genre taste value based on time data of a request for EPG also reads on the above disclosure of Herz, of including the time of day for watching programming within the customer profile; also see col. 18, lines 1-35

Applicant further amends the claim; reciting rearranging and displaying the EPG based on a genre priority table formed using the retrieved information and the calculated genre taste value. The claimed genre priority table reads on the tables shown on col. 21, lines 15-45, which first shows the content profiles of programs, and then the value, i.e. priority of the sample genre to specific customers. For instance the three sample genre of programming (romance, high-tech & violence) have priority values of .166, .425 & .409, respectively for John. The instant sample genre have priority values of .292, .192 & .516, respectively for Mary.

Finally, col. 21, lines 55-67 shows the calculations for the agreement matrix for particular programs 1-10, as such Herz uses the calculated information to generate the list of recommended programs discussed above; again see col. 45, lines 34-55. It is disclosed that the EPG may be modified to include fields for the "virtual" channels, which reads on the claimed 'rearranging and displaying'.

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Considering claims 3-6 & 9-14, the claimed features including general user selection taste data, which reads on cluster profiles, and being converted to disperse data reads on generating individual user profiles in the disclosure of Herz, which teaches that the general profile is developed from a combination of demographic and user selection data from a range of customers, (col. 9, lines 61-65; col. 11, lines 45-67; col. 22, lines 56-65; col. 24, lines 45-55).

The dispersed data being interpolated to calculate the continuous data reads on the Herz collecting dispersed individual profiles and generating the group profiles, col. 24, lines 45-55; col. 30, lines 1-48, which involves interpolation.

Moreover, in Herz the various individual customer and cluster profiles are inherently stored in the system.

Considering claim 7, the claimed information retrieval apparatus comprises elements, which correspond with subject matter, mentioned above in the rejection of claim 1, and are likewise rejected. Also see Herz, col. 24, lines 45-55; col. 30, lines 1-65.

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 746-6861 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.
The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the
organization where this application or proceeding is assigned is (703) 872-9314 for regular
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600